



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on May 22, 2013, by the Landlord to obtain an Order of Possession for cause.

The Landlord testified that he served each Tenant with copies of the Landlord's application for dispute resolution and Notice of dispute resolution hearing on May 23, 2013, at 5:20 p.m. when he posted the documents to the Tenants' door. Based on the submissions of the Landlord I find each Tenant is deemed served notice of this proceeding on May 26, 2013, three days after they were posted to the door, pursuant with Section 90 of the Act. As each party has been served notice of this proceeding in accordance with the Act, I continued with the hearing in the Tenants' absence.

### Issue(s) to be Decided

Should the Landlord be granted an Order of Possession?

### Background and Evidence

The Landlord submitted documentary evidence which included, among other things, copies of: a 1 Month Notice dated May 1, 2013; a 1 Month Notice dated May 2, 2013; a 10 Day Notice issued February 7, 2013; proof of service documents; and receipts issued for rent payments.

The Landlord testified that he took over management of this building in September 2012 and the Tenants were already living in the building at that time. Their tenancy began approximately one year ago based on a verbal tenancy agreement. The rent was initially \$850.00 due on the first of each month which he reduced to \$750.00 per month to assist the Tenants with their financial situation. Based on his knowledge the Tenants would have paid \$425.00 as a security deposit when they began their tenancy in 2012.

The Landlord advised that he served the 1 Month Notices by posting them to the Tenants' door. The first 1 Month Notice was posted on May 1, 2013 at 9:30 p.m. and the second, corrected Notice, was posted on May 2, 2013 at 6:00 p.m. When he posted the second Notice he saw that the first Notice had already been removed from the door.

He is seeking an Order of Possession to prevent having troubles evicting these Tenants on June 30<sup>th</sup>, 2013.

### Analysis

Upon review of the 1 Month Notice to End Tenancy issued May 2, 2013, I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the Tenants in a manner that complies with the Act. Upon consideration of all the evidence presented to me, I find the Landlord had valid reasons for issuing the Notice.

Section 47(4) of the Act stipulates that a tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice. At the time the Landlord filed his application for an Order of Possession on May 22, 2013, the Tenants had not made application to dispute the Notice.

Section 47(5) of the Act stipulates that if a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant (a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and (b) must vacate the rental unit by that date.

As per the aforementioned, I find this tenancy will end as of the effective date of the Notices, **June 30, 2013**, and I award the Landlord an Order of Possession.

### Conclusion

I HEREBY FIND that the Landlord is entitled to an Order of Possession effective **June 30, 2013 at 1:00 p.m., after service on the Tenants**. This Order is legally binding and must be served upon the Respondent Tenants.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 18, 2013

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Residential Tenancy Branch

